

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00024-04

BRIAN STEPP

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 14, 2017, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Brian Stepp, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a fifty-one month term of supervised release in this action on July 22, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 9, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on August 9, 2016, for amphetamine and methamphetamine, a positive urine specimen submitted by him on September 16, 2016, for methamphetamine, and his admissions to the probation officer on those same dates; (2) the defendant failed to abide by the special condition that he spend a period of 9 to 12 months in the inpatient treatment program at Recovery Point inasmuch as he entered the program on September 27, 2016, and left the program on November 27, 2016, without further contact with the probation officer rendering his whereabouts unknown; and (3) the defendant failed to appear for urine collections as instructed on November 22 and December 5, 2016, and failed to attend substance abuse treatment sessions as instructed; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of forty-five (45) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he spend a period of six (6) months in a community confinement center where he shall follow the rules and regulations of the facility, and

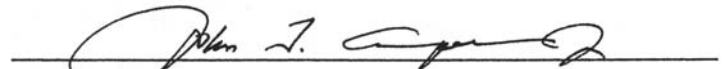
participate in drug abuse counseling and treatment as directed by the probation officer. The defendant shall engage himself in full-time lawful, gainful employment.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be permitted to serve the balance of his sentence at the South Central Regional Jail and that he be afforded the benefit of psychological evaluation.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 15, 2017


John T. Copenhaver, Jr.
United States District Judge